

REMARKS

This amendment responds to the Office Action mailed on April 19, 2007. Filed concurrently herewith is a Request for a Two-Month Extension of Time which extends the shortened statutory period for response to expire on September 19, 2007. Accordingly, applicant respectfully submits that this response is being timely filed.

Claims 1-29 were pending in the present application. By the above amendments, claims 30-35 have been submitted for examination on their merits. Thus, claims 1-35 are now pending, and applicant believes these claims are in proper condition for allowance for the reasons set forth below.

The Applicant initially wishes to express its appreciation of the courtesy granted by the Examiner in telephonically discussing the most recent Office Action. As indicated during the discussion, the Applicant is now submitting further arguments which it believes further distinguishes the present claims over the cited prior art and is submitting new claims directed to a "limited interactivity period" that is also appears absent from the prior art teachings.

Rejections of claims 1, 2, 4-12, and 21-29 under 35 U.S.C. § 102(e)

The Examiner rejected claims 1, 2, 4-12 and 21-29 under 35 U.S.C. § 102(e) as being obvious over U.S. Patent No. 6,018,768 to Ullman et al. ("Ullman") in view of U.S. Patent No. 6,144,991 to England ("England"). These rejections are respectfully traversed and reconsideration is requested based on the following remarks.

Claims 1, 2, 4-12 and 21-29 include recitations directed to a "code fragment" that is both correlated to the content of the broadcast audio and video signal and that is interpreted to locally modify a document in an exclusively local interaction on a client computer.

Ullman Fails to Teach or Suggest Code Fragments that are Correlated to the Content of the Audio and Video Broadcast Signal

Ullman is cited in the Office Action as teaching the “code fragment” as recited in the pending claims. Ullman is directed to a “computer based system for receiving a video program along with embedded uniform resource locators (URLs) -- which direct the user’s computer 16 to address locations, or Web sites, on the Internet 20 to retrieve related Web pages.” *See Ullman, col. 4, lines 44-49*. Ullman teaches that certain URLs may correspond to a television show being broadcast, where such URLs are transmitted over the Internet to users at the same time as a television show is being broadcast. *See Ullman, col. 6, lines 25-44*.

The URLs of Ullman do not correspond to the code fragments recited in the present claims. Ullman’s teaching of only delivering website addresses (URLs) to a user is precisely the type of prior art interactivity that one feature of the present invention attempts to avoid by providing exclusive client-side interactivity in modifying a local document, as recited in the present claims. Ullman requires users to interact directly with a remote server to retrieve web pages. In contrast, it is described in the present specification that “the code fragments of the present invention do not contain uniform resource locators (URLs).” *See page 6, lines 19-21 of the present specification*. URLs by their very nature cannot provide exclusively local interaction on a client computer, because URLs are merely addresses for retrieving remote (i.e., non-local) content.

It is asserted in the Office Action that the received Web pages inherently contain instructions that could possibly be equated to the “code fragments” recited in the pending claims. Applicant respectfully traverses this assertion, because Ullman fails to teach or suggest that specific instructions in the retrieved Web pages are correlated to the content of the TV broadcast. In contrast, claims 1, 2, 4-12 and 21-29 recite that the “code fragment” is correlated to the content of the broadcast audio and video signal.

Ullman teaches that its URLs or website addresses are correlated to the television broadcast, but Ullman fails to teach or suggest that specific instructions or content contained

within the Web pages to be retrieved by those URLs are correlated to the television broadcast. As such, neither the URLs nor the Web pages of Ullman specifically satisfy the requirements of the “code fragments” of claims 1, 2, 4-12 and 21-29, which is namely both: (1) that the code fragment itself is correlated to the content of the broadcast audio and video signal and (2) that the code fragment is interpreted in an exclusively local interaction on a client computer to locally modify a document.

Claim 1

Independent claim 1 makes clear that the enhanced broadcasting system has “a storage medium associated with the computer that stores a document.” Further, independent claim 1 makes clear that the computer executes software for “locally modifying the document in an exclusively local interaction based on the interpreted instruction.” As described on page 4, lines 9-14 of the present specification:

In the exclusively client-side interaction feature of the present invention, the user receives information from a broadcast and is not required to return information to a broadcaster or to any other remote location. Instead, a custom software application is placed on the user’s computer to act as an interface and to facilitate the interactive experience locally. Thus, the interactivity occurs client side, in contrast to prior art interactivity which requires users to interact directly with the [remote] server. [emphasis added]

Independent claim 1 also recites that the code fragment is correlated to the content of the broadcast audio and video signal.

At most, Ullman teaches displaying Web pages that are remotely obtained. Ullman does not teach displaying a document, locally modifying the document in an exclusively local interaction based on an interpreted instruction from the a code fragment, and then subsequently displaying the locally modified document.

Ullman also only teaches that the URLs are correlated to the TV broadcast. This is very different from the present invention, because correlating URLs still requires remote retrieval of content and still requires the retrieval of entire Web pages. Ullman does not disclose that

specific portions of the retrieved Web pages are correlated to the TV broadcast. In contrast, the code fragments recited in the present claims are enhancements of a program already running on the client computer and are interpreted to update such program.

One problem solved in the present application by the code fragments is that they provide an exclusively client-side interactive feature in modifying local documents stored on the client computer, in contrast to prior art interactivity that required users to interact directly with a remote server. This problem is not contemplated by the combination of Ullman and England, as Ullman is directed to the very prior art interactivity that the present application avoids, namely the use of URLs that require a user to remotely retrieve an entire Web page. As such, Ullman does not contemplate modifying local documents using exclusively client-side interactivity where the instructions for exclusively client-side interactivity are also correlated to the correlated to the content of the broadcast audio and video signal.

Accordingly, it is respectfully submitted that claim 1 is in condition for allowance, and it is earnestly solicited that the rejection of claim 1 be withdrawn.

Claims 2-5 and 21-23

Claims 2-5 and 21-23 depend from claim 1. Accordingly, it is respectfully submitted that claims 2-5 and 21-23 are in condition for allowance for the same reasons set forth above in distinguishing claim 1 over the cited prior art of record. Therefore, it is respectfully requested that the rejections of claims 2-5 and 21-23 be withdrawn.

Claims 7-12 and 24-29

Independent claims 7, 9 and 24 make clear that the enhancement for the content of an audio and video broadcast includes a code fragment including at least one instruction correlated to the content of the audio and video broadcast that is interpreted for updating a screen display based upon an exclusively local interaction. For the reasons discussed above, Ullman does not teach or suggest “locally modifying a document based an exclusively local interaction of the interpreted instruction” where such instruction is “correlated to the content of the audio and

video broadcast.” Thus, it is respectfully submitted that independent claims 7, 9 and 24 and their respective dependent claims 8, 10-12, and 25-29 are in condition for allowance, and it is earnestly solicited that the rejection of these claims be withdrawn.

Rejections of claims 4, 8 and 25 under 35 U.S.C. § 103(a)

The Examiner rejected claims 4, 8, and 25 under 35 U.S.C. § 103(a) over Ullman. Specifically, the Examiner takes official notice that “utilizing JavaScript applets are notoriously well known in the art.” Further, the Examiner states that “it would have been obvious to one of ordinary skill in the art to modify Ullman to utilize JavaScript to create more interactive and aesthetically pleasing web content.”

Claims 4, 8, and 25 are directed to a code fragment being written in JavaScript. According to the Examiner, a URL is a code fragment. It is submitted that one of ordinary skill in the art would not write a URL in JavaScript. Even if one of ordinary skill in the art modified Ullman to have JavaScript, at most, the content would be written in JavaScript. In other words, the item that the Examiner asserts is a code fragment in Ullman, i.e., the URL, would not be written in JavaScript. Therefore, even if Ullman were modified by one of ordinary skill in the art to include JavaScript, Ullman still would not teach a code fragment written in JavaScript.

In addition, claims 4 and 8 depend from amended independent claim 1 while claim 25 depends from amended claim 24. Accordingly, claims 4, 8, and 25 are in condition for allowance for the reasons discussed above. Therefore, it is respectfully requested that the rejections of claims 4, 8, and 25 be withdrawn.

Rejection of claim 3 under 35 U.S.C. § 103(a)

The Examiner rejected claim 3 under 35 U.S.C. § 103(a) over Ullman in view of U.S. Patent No. 6,173,317 to Chaddha et al. (“Chaddha”). Claim 3 depends from amended independent claim 1. Accordingly, it is respectfully submitted that claim 3 is in condition for allowance for the reasons discussed above with respect to independent claim 1. Therefore, it is respectfully requested that the rejection of claim 3 be withdrawn.

Rejections of claims 13-20 under 35 U.S.C. § 103(a)

The Examiner rejected claims 13-20 under 35 U.S.C. § 103(a) over Ullman in view of U.S. Patent No. 6,340,159 to Giangrante (“Giangrante”). Claims 13-20 depend from amended independent claim 1. Accordingly, it is respectfully submitted that claims 13-20 are in condition for allowance for the reasons discussed above with respect to independent claim 1. Therefore, it is respectfully requested that the rejection of claims 13-20 be withdrawn.

New Claims for “Limited Interactivity Period”

New claims 30-35 have been submitted for examination that are directed to a “limited interactivity period.” Specifically, claim 30 recites that the instruction of the code fragment is interpreted to locally modify the document for a limited interactivity period. Claim 31 recites that the input may be received from the user of the client computer during a limited interactivity period, such that points are only assigned to the user according to the analyzed input during the limited interactivity period. Claim 32 recites that the enhanced broadcasting system includes a computer configured to receive an input from a user during a limited interactivity period. Claim 33 recites a method for providing enhanced television broadcasting that receives an input from a user of the client computer during a limited interactivity period and executes software on the client computer to analyze the input only during the limited interactivity period. Claim 34 recites that the limited interactivity period for user input is synchronized with a period in the displayed audio and video signal. Finally, claim 35 recites that another instruction is sent from the server computer to the client computer instructing the software executing on the client computer to end the limited interactivity period.

It is respectfully submitted that the combination of cited prior art fails to teach or suggest allowing input from a user only during a limited interactivity period that coincides with a period in the displayed audio and video signal. Thus, applicant submits that new claims 30-35 are also allowable over the cited prior art of record.

Conclusion

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously requested.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 54317-016800 is referred to when charging any payments or credits for this case.

Respectfully submitted,



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